



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3000 • Sacramento, CA 95811

October 29, 2020

Gary S. Winuk
Kaufman Legal Group
o/b/o Cindy Allen and Cindy Allen for City Council 2020
Via Email: gwinuk@kaufmanlegalgroup.com

Warning Letter Re: FPPC No. 2020-00934; Cindy Allen for City Council 2020 and Cindy Allen

Dear Mr. Winuk:

The Enforcement Division of the Fair Political Practices Commission enforces the provisions of the Political Reform Act (the “Act”).¹ As you are aware, the Enforcement Division received two sworn complaints against your client Cindy Allen and her committee Cindy Allen for City Council 2020 (the “Committee”) alleging that your client violated the advertisement disclaimer provisions of the Act.

The Enforcement Division has completed its review and found that Cindy Allen and the Committee violated the Act by failing to include the required disclosure in text messages sent before the November 3, 2020 General Election.

Under the Act, a candidate controlled committee established for an elective office of the controlling candidate shall not authorize or pay for an advertisement that is a text message unless the disclosure includes the text “Paid for by” or “With” followed by the name of the candidate, followed by the word “For,” and followed by the name of the elective office sought.²

Cindy Allen and the Committee violated the Act by sending text messages before the November 3, 2020 General Election that failed to include the text “Paid for by” or “With” followed by the word “For” followed by the name of the elective office sought. However, the Enforcement Division has decided to close this case with this warning letter because it was clear that the candidate sent the text messages in question, so the violation resulted in minimal public harm. Additionally, neither the candidate nor the Committee has a history of violating the Act.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014, and all statutory references are to this code. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations, and all regulatory references are to this source.

² Section 84504.7.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an Enforcement Division case resolution without administrative prosecution or fine. The Commission has adopted Regulation 18360.1 to authorize the Enforcement Division to issue warning letters to conclude cases in specified circumstances. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the Enforcement Division will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the Commission's website ten (10) days from the date of this letter.

If you need forms or a manual, or guidance regarding your obligations, please call the Commission's Toll-Free Advice Line at 1-866-275-3772 or visit our website at www.fppc.ca.gov.

Please feel free to contact Dominika Wojenska at dwojenska@fppc.ca.gov or (916) 322-2043 with any questions you may have regarding this letter.

Sincerely,

A handwritten signature in cursive script that reads "GWest".

Galena West, Chief
Enforcement Division

GW/dw

cc: Deborah Mozer; Ian Patton